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Permanent Forum on Indigenous Issues
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Special theme: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

Implementation of the recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Half-day discussion on indigenous languages

Ongoing priorities and themes and follow-up

Future work of the Permanent Forum, including emerging issues

Information received from Governments

Ecuador

Summary

This document contains the responses of the Government of Ecuador to the recommendations made by the Permanent Forum on Indigenous Issues at its sixth session in 2007. It also contains information on activities, programmes, policies and laws relating to indigenous peoples in Ecuador, the Second International Decade of the World's Indigenous People and the United Nations Declaration on the Rights of Indigenous Peoples.

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I. Responses to the recommendations of the Permanent Forum intended for Governments

1. The Council for the Development of the Indigenous Nationalities and Peoples of Ecuador (CODENPE), as the public body responsible for devising policies for indigenous peoples, has introduced a model for the development and strengthening of Ecuador's nationalities and peoples — which currently include 32 indigenous groups — that places particular emphasis on the protection of their lands and natural resources. In that context, CODENPE acts as a mediator between Government policies and indigenous peoples' demands.

2. In accordance with the Millennium Development Goals, CODENPE has devised five public policies for indigenous peoples, including an economic stimulus policy that addresses: (a) production projects, in particular the introduction of irrigation channels, the improved use of livestock and traditional crafts; and (b) the strengthening of solidarity funds for women.

3. The balance of the solidarity fund programme of the Development Project for Indigenous and Black Peoples of Ecuador, amounting to approximately $2,500,000, has been transferred to CODENPE and is being kept in trust. It has therefore been possible to continue strengthening the funds through the granting of awards, in accordance with the guidelines previously agreed upon in consultation with the International Fund for Agricultural Development and the Ministry of the Economy and Finance.

4. This new and innovative microcredit scheme is prompting the paternalistic Government to change its approach and move towards the allocation of resources on the basis of the merit and managerial capacity of each individual fund. Competitions are organized with the assistance of representatives of each nationality and community and representatives of the funds themselves, who form the resource allocation committee.

5. Initially, $800,000 has been allocated to this programme, which will run until 2009. With the $1,700,000 remaining in the trust, as well as the returns accumulated in recent years, microcredits will be awarded to the solidarity funds. In order to prevent any political interference from either the Ministry of the Economy and Finance or CODENPE, those resources are currently being invested by ENLACE Negocios Fiduciarios. The fund manager has already been selected, through the intermediary of the Ecuadorian Trust for Development Cooperation.

II. Priority themes of the Permanent Forum

6. CODENPE is not mandated to devote special attention to indigenous children and youth, although those groups do benefit from the outcomes of its planned projects and activities. In that regard, and with international support, the Confederation of Quechua Nations of Ecuador (ECUARUNARI), the regional organization for indigenous people from the Sierra, has launched a project on indigenous children that has given rise to participatory proposals on children.

7. The board of national indigenous organizations includes a Youth Unit, whose mission is to fight for the rights of indigenous youth and to carry out activities designed to strengthen those rights without undermining the identity and culture of

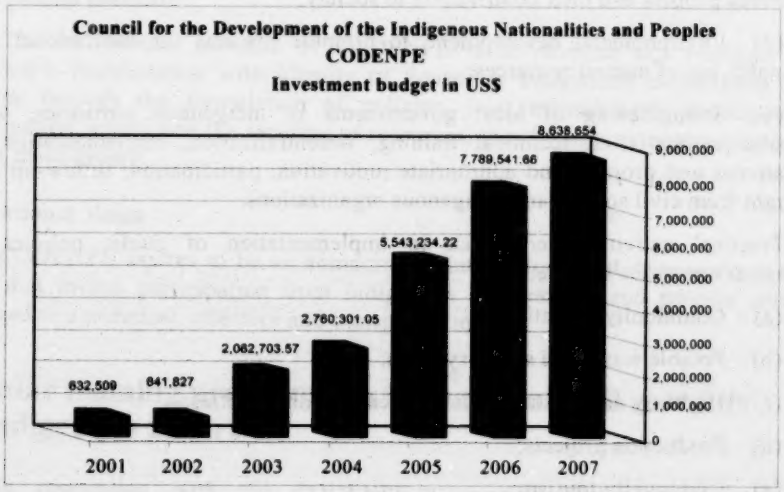
the individuals concerned. CODENPE supports projects with that objective, including intercultural meetings and training days.

III. Obstacles to the implementation of the recommendations of the Permanent Forum

8. CODENPE was established by executive decree, which meant that it was not incorporated into the institutional framework of the State and that, with every change of Government, difficulties arose with regard to the designation of appropriate authorities, despite the fact that clear regulations designating the executive secretariat had been adopted on the basis of a proposal put forward by the National Council of Indigenous Representatives. Following the adoption of the Act on Public Institutions, there is now a legal framework conducive to the implementation of policies and plans to benefit the indigenous population.

9. In addition, there are insufficient budgetary resources to address the demands of the indigenous population, which limits the scope of efforts to implement large-scale, comprehensive projects. However, in response to that need, and as illustrated by the following chart, the relevant steps are being taken to secure annual increments.

10. From 2001 to 2004, CODENPE had a relatively small investment budget. In 2005, a separate budget line for the development of indigenous peoples was created and allocated $5,543,234, an increase of 101 per cent in comparison with 2004. In 2006, the Council was allocated a budget of $7,789,541, representing a 41 per cent increase in comparison with 2005, and in 2007 it received an investment budget of $8,638,654, an increase of 11 per cent (see chart).



IV. Factors facilitating the implementation of the recommendations of the Permanent Forum

11. Indigenous rights relating to the preservation of the natural resources that sustain the population, particularly the working population, should be taken into consideration.

V. Specific laws, policies and other similar measures to address indigenous affairs

12. On 11 September 2007 the National Congress adopted the Organization Act on Public Institutions of the Indigenous Peoples of Ecuador who Describe Themselves as Nationalities from Ancestral Lands, which was issued under No. 86 in Official Gazette No. 175 of 21 September 2007.

13. CODENPE chairs the National Statistical Commission for Indigenous and Afro-Ecuadorian Peoples, which is composed of the National Statistics and Census Institute, the United Nations Population Fund and the Afro-Ecuadorian Development Council and works in strategic partnership with over 15 bodies whose activities generate population data that have not been disaggregated by indigenous population.

14. Policies for the economic and social development of indigenous peoples and nationalities include:

(a) Economic stimulus, to eradicate poverty and create jobs;

(b) Social stimulus, to provide access to essential basic services;

(c) Cultural stimulus, to promote the diversity of the nation, the existence of indigenous peoples and their contribution to society;

(d) Environmental development, to promote projects for the rational and sustainable use of natural resources;

(e) Strengthening of local governments in indigenous territories, with particular emphasis on technical training, decentralization, implementation of programmes and projects and appropriate motivation, participation, follow-up and oversight from civil society and indigenous organizations.

15. Practical activities undertaken in implementation of public policies in indigenous territories include:

(a) Community irrigation;

(b) Potable water and sewer systems;

(c) Highway administration in indigenous communities;

(d) Production projects;

(e) Community tourism;

(f) Strengthening of organizational capacities;

(g) Cultural enhancement.

VI. National institutions responsible for indigenous affairs

16. The Ecuadorian State addresses the needs of its nationalities and peoples through strategic plans adopted by CODENPE, a public body with its own legal personality and technical, administrative and financial independence.

17. CODENPE is competent to address issues relating to indigenous nationalities and peoples at the national level. It operates on a decentralized and participatory basis.

18. Efforts to consolidate the position of CODENPE as a public sector institution have been ongoing. They began after the first indigenous uprisings orchestrated by indigenous organizations. In 1995, the National Department for Indigenous Affairs was established. Then, in 1997, that body became the Planning and Development Council for Indigenous and Black Peoples. Subsequently, with the entry into force of the new Political Constitution of the Republic in 1998, and pursuant to Executive Decree No. 386, published in Official Gazette No. 86 of 11 December 1998, CODENPE was legally established.

19. Finally, at the initiative of the Congressional Committee on Indigenous Affairs, chaired by Dr. Raúl Ilaquiche, and with the strong support of parliamentarians from the Pachakutik bloc, Salvador Quishpe from Zamora Chinchipe province, Diana Atamaint from Morona Santiago province, Carlos Sucuzhagñay from Cañar province, Ramses Torres from Bolívar province and Patricio Miranda from Chimborazo province, on 11 September 2007 the National Congress adopted the Organization Act on Public Institutions of the Indigenous Peoples of Ecuador who Describe Themselves as Nationalities from Ancestral Lands, which was issued under No. 86 in Official Gazette No. 175 of 21 September 2007.

Institutional mandate

20. The institutional mandate of CODENPE is to promote and facilitate the sustainable development with identity of Ecuador's indigenous nationalities and peoples through the formulation of policies, joint management, participation, coordination, equity and the securing of resources, thereby improving the quality of life of those groups.

Institutional vision

21. CODENPE aspires to be an autonomous, intercultural and democratic public body that invites participation from indigenous nationalities and peoples and is managed in a technical, effective and transparent manner.

VII. Regular training programmes for national civil servants on indigenous affairs

22. In connection with the CODENPE-managed project on strengthening alternative municipalities, the Government of the Republic of Ecuador and the Kingdom of Belgium entered into a cooperation agreement with a view to implementing a project entitled "Training and education for indigenous nationalities and peoples in Ecuador".

23. That agreement is intended to ensure that, by means of organizational and institutional capacity-building, those responsible for indigenous nationalities and peoples achieve better results in the political, economic and social spheres.

24. The Ecuadorian Institute for International Cooperation is responsible for managing and overseeing the project, while CODENPE is the administrative body responsible for ensuring its effective implementation.

25. Belgium will be responsible for funding the project and for providing technical assistance. The total cost of the project is approximately €429,560, of which $244,000 is being contributed by Ecuador.

VIII. Planned activities relating to the goals, objectives and programme of action of the Second International Decade of the World's Indigenous People

26. It is important to devise a new model for the comprehensive sustainable development with identity of Ecuador's nationalities and peoples.

27. CODENPE formulates public policies designed to create a multinational State that is inclusive of all nationalities and peoples. Those policies seek to ensure the full enjoyment of collective rights against a backdrop of respect for diversity and the intercultural phenomenon.

28. CODENPE, as the public body responsible for policies on indigenous issues and in conjunction with the Office of the Ombudsman and the Confederation of Indigenous Nationalities of Ecuador, has approached the Government Procurator in order to discuss the possibility of establishing an indigenous justice unit within his Office.

29. At the international level, CODENPE participated directly in the process leading to the adoption, on 13 September 2007, and the entry into force of the United Nations Declaration on the Rights of Indigenous Peoples for the benefit of the world's indigenous peoples.

30. In the days to come, CODENPE will design the activities, strategies and mechanisms that will allow indigenous people to enjoy the human rights set out in the Declaration.

IX. Specific information or suggestions relating to the special theme of the seventh session of the Permanent Forum: "Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"

31. It is vital to address the responsibility of Governments to deal with climate change caused by the indiscriminate use of natural resources that have historically been preserved by indigenous peoples, and to stress the importance of managing those resources in the holistic and sustainable manner demonstrated by indigenous peoples the world over.

X. Information relating to the promotion and/or implementation of the United Nations Declaration on the Rights of Indigenous Peoples

32. At the international level, CODENPE participated directly in the process leading to the adoption, on 13 September 2007, and the entry into force of the United Nations Declaration on the Rights of Indigenous Peoples for the benefit of the world's indigenous peoples.

33. In 2007, CODENPE asked the Congressional Committee on Indigenous Affairs to bring before Congress a law incorporating the Declaration into Ecuador's domestic legislation.

34. Accordingly, in October 2007, the Chairman of the Congressional Committee on Indigenous Affairs submitted a draft law on the exercise and applicability of the rights of indigenous peoples enshrined in the United Nations Declaration. At present, that draft is awaiting consideration by the legislative committee of the National Assembly.